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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Note by the Secretary-General

The Secretary-General has the honour to transmit herewith the twenty-fourth report of the International Labour Organization under article 18 of the International Covenant on Economic, Social and Cultural Rights, submitted in accordance with Economic and Social Council resolution 1988 (LX).

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TABLE OF CONTENTS

		Page
Introduction		3
Part I:	Principal ILO Conventions relevant to articles 6-10 and 13 of the ICESCR	3
Part II:	Indications concerning the situation of individual countries	4
	- 18th session of the Committee on Economic, Social and Cultural Rights	
	Netherlands Aruba Netherlands Antilles	8
	Nigeria	10
	Poland	12
	Solomon Islands	14
	Sri Lanka	15
	- 19th session of the Committee on Economic, Social and Cultural Rights	
	Bulgaria	17
	Canada	18
	Denmark	21
	Iceland	24
	Israel	25
	Tunisia	26
Annexes		28
Appendix:	Index of countries and of relevant information supplied by the ILO since 1980	

PART I

Introduction

The present report has been established according to the arrangements approved by the Governing Body of the International Labour Office 1/ to give effect to resolution 1988 (LX) of 11 May 1976 of the United Nations Economic and Social Council requesting specialized agencies to submit reports in accordance with article 18 of the International Covenant on Economic, Social and Cultural Rights, on the progress made in achieving the observance of the provisions of the Covenant falling within the scope of their activities. According to these arrangements, the International Labour Office is entrusted with the task of communicating to the United Nations, for presentation to the Committee on Economic, Social and Cultural Rights, information on the results of the operation of various ILO supervisory procedures in the fields covered by the Covenant. It should remain open for the Committee of Experts on the Application of Conventions and Recommendations to report on particular situations whenever it deems this desirable or when specifically requested to do so by the Committee on Economic, Social and Cultural Rights.

The report will follow the approach adopted since 1985, and will contain in Part II: (a) indications concerning the principal ILO Conventions relevant to articles 6-10 and 13 of the Covenant; and (b) indications concerning ratification of these Conventions and comments made by ILO supervisory bodies with regard to the application of these Conventions by the States concerned (insofar as the points at issue appear to have a bearing also on the provisions of the Covenant). The latter indications are based mainly on the comments of the Committee of Experts resulting from its examination of the reports on the Conventions in question. Account was also taken of the conclusions and recommendations adopted under constitutional procedures for the examination of representations or complaints and, in the case of article 8 of the Covenant, of the conclusions and recommendations of the Committee on Freedom of Association of the ILO Governing Body following examination of complaints alleging violation of trade union rights. Given the increased recourse to the Joint ILO/UNESCO allegations procedure concerning teaching personnel, information on cases examined there are added under article 13 of the Covenant, when relevant to the country reports being examined. 2/

The list of countries for which information has been provided in the present report appears in the table of contents. A recapitulatory list of States parties to the Covenant and of ILO reports containing information concerning them will be found in the Annex.

1/ Decisions of the Governing Body at its 201st Session (November 1976) and at its 236th Session (May 1987).

2/ Information on the procedures and machinery for the implementation of ILO standards, including the operation of its supervisory bodies, can be found in UN Action in the Field of Human Rights (United Nations publication, New York, 1988, Sales No. E.88 XIV.2), Chapter XIV, section D.1. Further information can be found in a document submitted to the World Conference on Human Rights, published as United Nations document A/CONF.157/PC/6/Add.3.

PART II

A. Principal ILO Conventions relevant to articles 6-10 and 13 of the Covenant

The following is a list of the principal ILO Conventions relevant to each of articles 6-10 and 13 of the Covenant. 3/ Indications on the ratification of these Conventions by each State concerned are given in section B of this part (indications concerning the situation of individual countries).

Article 6 of the Covenant

Unemployment Convention, 1919 (No. 2)
Forced Labour Convention, 1930 (No. 29)
Fee-Charging Employment Agencies Convention, 1933 (No. 34)
Employment Service Convention, 1948 (No. 88)
Fee-Charging Employment Agencies Convention, 1949 (No. 96)
Abolition of Forced Labour Convention, 1957 (No. 105)
Indigenous and Tribal Populations Convention, 1957 (No. 107)
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117)
Employment Policy Convention, 1964 (No. 122)
Paid Educational Leave Convention, 1974 (No. 140)
Human Resources Development Convention, 1975 (No. 142)
Workers with Family Responsibilities Convention, 1981 (No. 156)
Termination of Employment Convention, 1982 (No. 158)
Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)
Employment Promotion and Protection Against Unemployment Convention, 1988 (No. 168), Part II.
Indigenous and Tribal Peoples Convention, 1989 (No. 169)

Article 7 of the Covenant

Remuneration

Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)
Minimum Wage-Fixing Machinery (Agriculture) Convention, 1951 (No. 99)
Minimum Wage-Fixing Machinery Convention, 1970 (No. 131)

3/ There are, in addition, particularly for articles 7 and 9, a number of Conventions dealing with corresponding matters in particular occupational sectors (e.g. road transport, seafarers, fishermen, dock workers, plantation workers, nursing personnel) or with particular categories of workers (e.g. migrant workers, workers in non-metropolitan territories). These Conventions are not included in the present list but are taken into account in the indications concerning the situation in individual countries.

Equal remuneration

Equal Remuneration Convention, 1951 (No. 100)

Rest, limitation of working hours and holidays with pay

Hours of Work (Industry) Convention, 1919 (No. 1)
Weekly Rest (Industry) Convention, 1921 (No. 14)
Hours of Work (Commerce and Offices) Convention, 1930 (No. 30)
Forty-Hour Week Convention, 1935 (No. 47)
Holidays with Pay Convention, 1936 (No. 52)
Holidays with Pay (Agriculture) Convention, 1957 (No. 101)
Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)
Holidays with Pay Convention (Revised), 1970 (No. 132)
Part-time Work Convention, 1994 (No. 175)
Homework Convention, 1996 (No. 177)

Safe and healthy working conditions

White Lead (Painting) Convention, 1921 (No. 13)
Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27)
Protection Against Accidents (Dockers) Convention, 1929 (No. 28)
Protection Against Accidents (Dockers) Convention, 1932 (No. 32)
Safety Provisions (Building) Convention, 1937 (No. 62)
Labour Inspection Convention, 1947 (No. 81)
Radiation Protection Convention, 1960 (No. 115)
Guarding of Machinery Convention, 1963 (No. 119)
Hygiene (Commerce and Offices) Convention, 1964 (No. 120)
Maximum Weight Convention, 1967 (No. 127)
Labour Inspection (Agriculture) Convention, 1969 (No. 129)
Benzene Convention, 1971 (No. 136)
Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)
Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)
Occupational Safety and Health Convention, 1981 (No. 155)
Occupational Health Services Convention, 1985 (No. 161)
Asbestos Convention, 1986 (No. 162)
Safety and Health in Construction Convention, 1988 (No. 167)
Chemicals Convention, 1990 (No. 170)
Night Work Convention, 1990 (No. 171)

Article 8 of the Covenant

Right of Association (Agriculture) Convention, 1921 (No. 11)
Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
Right to Organize and Collective Bargaining Convention, 1949 (No. 98)
Workers' Representatives Convention, 1971 (No. 135)
Rural Workers' Organizations Convention, 1975 (No. 141)
Labour Relations (Public Service) Convention, 1978 (No. 151)
Collective Bargaining Convention, 1981 (No. 154)

Article 9 of the Covenant

Workmen's Compensation (Agriculture) Convention, 1921 (No. 12)
Workmen's Compensation (Accidents) Convention, 1925 (No. 17)
Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18)
Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)
Sickness Insurance (Industry) Convention, 1927 (No. 24)
Sickness Insurance (Agriculture) Convention, 1927 (No. 25)
Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35)
Old-Age Insurance (Agriculture) Convention, 1933 (No. 36)
Invalidity Insurance (Industry, etc.) Convention, 1933 (No. 37)
Invalidity Insurance (Agriculture) Convention, 1933 (No. 38)
Survivor's Insurance (Industry, etc.) Convention, 1933 (No. 39)
Survivor's Insurance (Agriculture) Convention, 1933 (No. 40)
Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42)
Unemployment Provisions Convention, 1934 (No. 44)
Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48)
Social Security (Minimum Standards) Convention, 1952 (No. 102)
Equality of Treatment (Social Security) Convention, 1962 (No. 118)
Employment Injury Benefits Convention, 1964 (No. 121)
Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128)
Medical Care and Sickness Benefits Convention, 1969 (No. 130)
Maintenance of Social Security Rights Convention, 1982 (No. 157)
Employment Promotion and Protection Against Unemployment, 1988 (No. 168)

Article 10 of the Covenant

(a) Maternity protection (re paragraph 2)

Maternity Protection Convention, 1919 (No. 3)
Maternity Protection Convention (Revised), 1952 (No. 103)

(b) Protection of children and young persons in relation to employment and work (re paragraph 3)

Minimum Age (Industry) Convention, 1919 (No. 5)
Minimum Age (Sea) Convention, 1920 (No. 7)
Minimum Age (Agriculture) Convention, 1921 (No. 10)
Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15)
Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33)
Minimum Age (Sea) Convention (Revised), 1936 (No. 58)
Minimum Age (Industry) Convention (Revised), 1937 (No. 59)
Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (No. 60)
Minimum Age (Fisherman) Convention, 1959 (No. 112)
Social Policy (Basic Aims and Standards) Convention, 1952 (No. 117)
Minimum Age (Underground Work) Convention, 1965 (No. 123)
Minimum Age Convention, 1973 (No. 138)
Night Work of Young Persons (Industry) Convention, 1919 (No. 6)
Night Work (Bakeries) Convention, 1925 (No. 20)
Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 79)
Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90)

White Lead (Painting) Convention, 1921 (No. 13) (article 3)
Radiation Protection Convention, 1960 (No. 115) (article 7)
Maximum Weight Convention, 1967 (No. 127) (article 7)
Benzene Convention, 1971 (No. 136) (article 11)
Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16)
Medical Examination (Seafarers) Convention, 1946 (No. 73)
Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77)
Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78)
Medical Examination (Fishermen) Convention, 1959 (No. 113)
Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124)

Article 13 of the Covenant

Human Resources Development Convention, 1975 (No. 142)

Reference is also made, when appropriate, to the ILO/UNESCO Joint Recommendation concerning the status of teachers, 1966, and to the work of the Joint ILO/UNESCO committee which supervises its application.

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B. Indications concerning the situation of individual countries

For each article of the Covenant under consideration, these indications show the state of the ratification of the corresponding Conventions by the country in question, and references to the relevant comments of the supervisory bodies with regard to the application of these Conventions. Full copies of the comments of the Committee of Experts are appended (in English, French and Spanish), and should be consulted for further details.

The absence of any such reference signifies either that there are no comments at the present time regarding the application of a particular Convention, or that the comments that have been made deal with points not relating to the provisions of the Covenant or to matters (for example, simple requests for information) which it would not appear to be necessary to deal with at this stage, or again that the Government's reply concerning the application of a Convention on which comments had been made has not yet been examined by the Committee of Experts.

When references are made to the "observation" of the Committee of Experts, their texts are published in the report of the Committee for the same year (Report III (Part 4 A) of the corresponding session of the International Labour Conference). In addition, comments have been formulated in requests for information addressed directly by the Committee of Experts to the Governments in question; such comments are not published but the text is made available to the interested parties.

Finally, it should be noted that exceptionally two sessions of the Committee of Experts were held in 1995, in March and in November-December. Indications are given in the text as to which of the two sessions is concerned, if relevant.

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Indications concerning the situation of individual countries to be examined at the eighteenth session (27 April-15 May 1998) session of the Committee on Economic, Social and Cultural Rights.

NETHERLANDS

Information concerning the Netherlands has been previously supplied in 1989.

The following relevant Conventions have been ratified and are in force for the Netherlands (for full names see the list of Conventions in Part II A above): 2, 11, 12, 13, 14, 16, 17, 19, 24, 25, 26, 27, 29, 32, 44, 48, 52, 62, 73, 81, 87, 88, 90, 98, 99, 100, 101, 102, 103, 105, 106, 111, 113, 115, 118, 121, 122, 124, 128, 129, 131, 135, 138, 140, 141, 142, 151, 154, 155, 156, 159, and 169 (not yet in force).

Article 6

In its 1997 observation on the Employment Policy Convention, 1964 (No. 122), the Committee of Experts observed that the persistent nature of certain characteristics hinder the progress of the Dutch labour market towards full employment. It noted, in particular, that the number of persons without employment and receiving invalidity benefit or who have taken early retirement, appears to represent, in terms equivalent to full-time employment, more than 10 per cent of the potential active population. In addition, the growth in employment must be largely attributed to an increase in part-time employment (which represents almost two thirds of women's employment). Long-term unemployment, which above all affects least skilled people, continues to represent almost half of total unemployment. With regard to the measures taken and envisaged by the Government, the Committee noted that, while promoting a return to work, these measures also help to encourage the growth of part-time employment, mentioned above. It invited the Government to specify the manner in which it envisaged the implementation of the measures, in particular, towards achieving an improvement in living standards and requested the Government to describe the measures taken to ensure that part-time workers enjoy the same rights and have the same career prospects as full-time workers. The Committee repeated its request for full particulars of the way in which the main trends in economic policy, in particular in the areas of monetary and budgetary policy, help to promote employment.

Article 7

In its 1997 observation on the Equal Remuneration Convention, 1951 (No. 100), the Committee of Experts noted with interest a Supreme Court decision which upheld a plaintiffs' claim for equal pay on the grounds that

the employment relationship between her and her employer (temporary contract and an hourly wage) was virtually the same as that between full-time employees and the employer. This gave weight to the comments made by the Netherlands Trade Union Confederation (FNV) that the various forms of flexible employment relationships, which were mainly entered into by women, were a primary source of pay inequality. The Committee also noted with interest that Parliament had enacted legislation (with effect as from 1 November 1996), which prohibits discrimination between employees on the basis of their working hours, and as regards the conditions under which an employment contract is entered into, extended or terminated, thus permitting claims against unequal treatment to be made on the ground of part time status through a less complicated procedure than invoking the indirect sex discrimination route.

In its 1997 observation on the Minimum Wage Fixing Convention, 1970 (No. 131), the Committee of Experts recalled that, in its previous comments, it had noted the introduction of a new system - the "i/a" ratio - to adjust the minimum wage. This is based on the ratio of people receiving social benefit ("i") and wage-earners ("a"). The Committee, in light of differing views expressed by the employers' and workers' organizations on the criteria to be used and the effect of this ratio, referred to its 1992 General Survey on minimum wages which indicates that the minimum wage fixing criteria specified in the Convention do not represent precise models. The Committee recalled that the fundamental and ultimate objective of the Convention is to ensure to workers a minimum wage that will provide a satisfactory standard of living.

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The Committee of Experts furthermore addressed direct requests to the Government in 1992 on Convention No. 27, in 1993 on Convention No. 142, in 1994 on Conventions Nos. 151 and 156, in 1995 (March) on Convention No. 88, and in 1996 on Conventions Nos. 100, 121, 128 and 129.

ARUBA

No information concerning Aruba has previously been supplied to the Committee.

The following relevant Conventions have been declared applicable to and are in force for Aruba (for full names see the list of Conventions in Part II A above): 2, 11, 12, 14, 17, 29, 81, 87, 88, 90, 101, 105, 106, 113, 118, 121, 122, 129, 131, 135, 138, 140, 141 and 142.

Article 9

In its 1997 observation on the Workmen's Compensation (Accidents) Convention, 1925 (No. 17), the Committee of Experts noted that discussions had begun between the Ministry of Labour and the social security institution in order to guarantee, in accordance with the Convention, additional compensation to the victims of industrial accidents suffering from incapacity requiring the constant help of another person.

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The Committee of Experts furthermore addressed direct requests to Aruba in 1995 (March) on Conventions Nos. 121 and 142.

NETHERLANDS ANTILLES

Information concerning the Netherlands Antilles has been supplied previously in 1987.

The following relevant Conventions have been declared applicable to and are in force for the Netherlands Antilles (for full names see the list of Conventions in Part II A above): 2, 10, 11, 12, 14, 17, 25, 29, 33, 42, 58, 62, 73, 81, 88, 90, 96, 99, 101, 105, 106, 118, 122, 123, 124 and 128.

There are no pending observations or direct requests concerning the Netherlands Antilles.

NIGERIA

Information concerning Nigeria has been previously supplied in 1997.

The following relevant Conventions have been ratified and are in force for Nigeria (for full names see the list of Conventions in Part II A above): 11, 15, 16, 19, 26, 29, 32, 58, 59, 81, 87, 88, 98, 100, 105, 123 and 155.

Article 6

In its 1997 observation on the Abolition of Forced Labour Convention, 1957 (No. 105), the Committee of Experts, noting the very grave situation affecting trade unions in the country, recalled that the Convention prohibits the use of any form of forced or compulsory labour as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system. The Committee referred to several legislative provisions (fulfilment of a contract of employment, labour discipline, participation in strikes) under which persons can be imprisoned with an obligation to work and requested the Government to amend these provisions. It requested information on the activities of the National Human Rights Commission which was established in 1996.

Article 7

In its 1996 observation on the Equal Remuneration Convention, 1951 (No. 100), the Committee of Experts repeated that since ratifying the Convention more than 20 years ago, the Government had not furnished information which provided an adequate basis for assessing its application of the equal pay principle. Recalling its 1986 General Survey on Equal Remuneration, the Committee observed that it was hard to accept statements suggesting that the application of the Convention had not given rise to difficulties or that full effect was given to it, without further details being provided. It therefore trusted that the Government would reply to its requests for information with as much detail as possible and also offered the Government the technical assistance of the Office.

Article 8

In its 1997 observation on the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Committee of Experts noted the discussion in the Conference Committee on the Application of Standards in June 1997 and the resulting special paragraph in the Conference Committee's report for continued failure to implement the Convention (for a summary of the ILC discussion, see below). It noted with regret that the Government's report had not been received and with deep regret from the examination, in November 1997, of Case No. 1793 by the Committee on Freedom of Association, that the Government had not yet accepted a direct contacts mission (see below). In its previous comments, the Committee had noted with deep concern the prohibition of three university unions from engaging in trade union activities under the Trade Disputes (Essential Services Deregulation, Proscription and Prohibition from Participation in Trade Union Activities) Decree and the Trade Disputes (Essential Services)(Proscription) Order 1996, and requested the Government to repeal this Order. As concerns the restructuring of the previous 42 registered industrial unions into 29 trade unions affiliated to the Central Labour Organization effected through the promulgation of the Trade Unions (Amendment) Decree 1996, the Committee recalled that Article 2 of the Convention provides that workers and employers shall have the right to establish and join organizations of their own choosing and therefore requested the Government to amend its legislation. The Committee also noted with the deepest concern that Decrees Nos. 9 and 10 of 1994 (dissolving the executive councils of three unions) had not been repealed and these unions were still being run by a government-appointed single administrator. It requested the Government to re-establish the right to organize and the right to elect union representatives in full freedom. The Committee also addressed issues concerning the requirement that trade union officers have to be card carrying members and must be engaged in the industry which the union operates, the ministerial power to dissolve organizations, the annulment of the international affiliation of the Central Labour Organization under Decree No. 29 of 1996 and the subsequent requirement of prior approval of such affiliation.

At its November 1995 meeting, the CFA examined Case No. 1793 presented by a number of international workers' organizations alleging arrests and detentions of trade union leaders and the dissolution of the executive committees of various workers' organizations. The Committee urged the Government to take the necessary measures to ensure the immediate release of any of the named trade union officials who might still be detained and to keep it informed in this regard, and to refrain in the future from arresting trade unionists who have only been exercising their legitimate trade union activities. The Committee also urged the Government to repeal certain Decrees immediately so as to allow independently elected officials to exercise their trade union functions again. The Committee could not but conclude that interference by government authorities in the internal affairs of a certain trade union continued, constituting a serious violation of the most basic principles of freedom of association. During its November 1997 examination of this case, the Committee deeply deplored the fact that, for nearly three years, the Government had consistently evaded responding to the ILO's urgent calls for a direct contacts mission. It expressed the opinion that the Government's behaviour gave rise to serious doubts concerning its good faith

in dealing with the Committee. It also pointed out that a new complaint had been submitted (Case No. 1935) alleging the adoption of further anti-union decrees and detention of unionists.

In June 1997, the Conference Committee on the Application of Standards discussed Nigeria's application of Convention No. 87, and decided to mention this case in a special paragraph of its report given the Government's continued failure to implement the Convention. It called upon the Government to accept without delay a direct contacts mission, in line with previously given guarantees.

In March 1998, the Governing Body established a Commission of Inquiry to examine long-standing allegations of abuses of trade union rights in Nigeria. The procedures, under Article 26 of the ILO Constitution, are invoked in the event of persistent and serious violations of international labour standards and repeated refusal of a member State to align its labour practices with the recommendations of the ILO's supervisory mechanisms (see above). The procedures under Article 26 involve the naming of an independent commission of investigators who will hold hearings and, if possible, conduct an in situ investigation in Nigeria before reporting its results to the Director-General of the ILO. In the event of an unfavourable finding on its labour practices, Nigeria's only recourse would be to the International Court of Justice.

Article 10

In its 1996 observation on the Minimum Age (Underground Work) Convention, 1965 (No. 123), the Committee of Experts noted that the Government's report contained no reply to its previous comments and requested the Government to indicate the measures which had been taken to give effect to the Convention, by virtue of which the employer should make available to the workers' representative, at their request, lists of the persons who are employed on work underground and who are less than two years older than the minimum age specified by the Government, i.e. 18 years. The Committee hoped that the Government would make every effort to take the necessary action in the very near future.

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The Committee of Experts furthermore addressed direct requests to the Government in 1992 on Convention No. 59, in 1993 on Convention No. 26, in 1994 on Convention No. 88, and in 1996 on Convention 19.

POLAND

Information concerning Poland has been supplied previously on several occasions, most recently in 1989.

The following relevant Conventions have been ratified and are in force for Poland (for full names see the list of Conventions in Part II A above): 2, 6, 11, 12, 13, 14, 16, 17, 18, 19, 24, 25, 27, 29, 35, 36, 37, 38, 39, 40, 42, 62, 73, 77, 78, 79, 81, 87, 90, 96, 98, 99, 100, 101, 103, 105, 111, 113, 115, 119, 120, 122, 123, 124, 127, 135, 136, 138, 140, 141, 142 and 151.

Article 6

In its 1997 observation on the Employment Policy Convention, 1964 (No. 122), the Committee of Experts, in the absence of a Government report, repeated its previous observation in which it noted the report of the Committee set up to examine the representation made in 1993 under article 24 of the ILO Constitution by the All-Poland Trade Union Organization (OPZZ), alleging non-observance of the Convention (see below). It also requested information regarding the situation and trends of underemployment and unemployment, complete and detailed information on the results obtained by the various labour market policy measures, a description of how account is taken of employment objectives when general economic and social policy decisions are taken, complete information on the manner in which the representatives of the persons affected are consulted and the manner in which the unemployment compensation policy contributes to the pursuit of the Convention's objectives.

Article 8

In its 1996 observation on the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Committee of Experts noted the follow-up given to the recommendations of the Committee on Freedom of Association in Case No. 1785 (see below) regarding the distribution of assets between NSZZ Solidarnosc and the All-Poland Trade Union Alliance (OPZZ). It expressed the hope that the Government and the trade unions concerned would continue to seek an equitable solution through negotiation and consultation, so that the trade unions may exercise their activities effectively, in full independence and on an equal footing.

At its November 1995 meeting, the Committee on Freedom of Association examined Case No. 1785, a representation lodged by NSZZ Solidarnosc under article 24 of the Constitution and alleging the Government's failure to ensure the effective restitution of property and assets of NSZZ Solidarnosc which had been confiscated during and after the introduction of martial law and granted to the All-Poland Trade Union Alliance (OPZZ) in 1984. The allegations also concerned the failure to redistribute property and assets of the former monopolistic Central Council of Trade Unions (CRZZ), since the Government had not ensured the introduction of amendments to the Act of 25 October 1990 and the Act of 23 May 1991 in order to strengthen mechanisms for the enforcement and execution of their provisions. The Committee called on the Government to ensure that the draft amendments to the 1990 Act rapidly come into force so that trade union organizations are provided with a complete and definitive legal framework within which the restitution of trade union property, confiscated during martial law, can be effected with the full participation of the organizations concerned. Pending the entry into force of these amendments, the Committee urged the Government to take immediate and appropriate measures, including the imposition of sanctions if necessary, to ensure the same protection that is afforded to the assets and property of the former CRZZ under the Trade Union Act of 1991 is extended to those assets of Solidarnosc that had been confiscated during the martial law period.

In its 1997 observation on the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), the Committee of Experts, noting that the present fixed amount fines of 50,000 zlotys (section 35 of the Act of 23 May 1991), recalled that so as to ensure protection against anti-union discrimination as laid down in Articles 1 and 2 of the Convention, national legislation must establish sufficiently dissuasive sanctions against anti-union measures and acts of interference by employers in workers' trade union activities. With regard to the Committee's previous comments concerning section 241 of the Labour Code, which excludes certain categories of workers employed in the state budgetary sphere from concluding an enterprise collective agreement, and in light of the information provided by the Government that these categories of workers could conclude supra-establishment collective agreements, it requested the Government to provide detailed information concerning the scope, content and implementation of such agreements.

Article 10

In its 1995 (November-December) observation on the Night Work of Young Persons (Non-Industrial Occupations), 1946 (No. 79) and the Night Work of Young Persons (Industry)(Revised) Convention, 1948 (No. 90), the Committee noted the growing scale of law infringement in the field of night work of youth (108 cases in 44 employing establishments in 1994 as compared with 58 cases in 20 establishments in 1993). The Committee requested further statistical data in this regard and information on progress achieved in the implementation of the Convention.

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The Committee of Experts furthermore addressed direct requests to Poland in 1992 on Convention No. 96, 1994 on Conventions Nos. 35, 36, 37, 38 and 40, in 1995 (March) on Convention No. 140, in 1995 (November-December) on Convention No. 115, and in 1996 on Conventions Nos. 87, 100 and 123.

SOLOMON ISLANDS

No information concerning the Solomon Islands has previously been supplied to the Committee.

The following relevant Conventions have been ratified and are in force for the Solomon Islands (for full names see the list of Conventions in Part II A above): 11, 12, 14, 16, 19, 26, 29, 42 and 81.

There are no pending observations or direct requests concerning the Solomon Islands

SRI LANKA

No information concerning Sri Lanka has previously been supplied to the Committee.

The following relevant Conventions have been ratified and are in force for Sri Lanka (for full names see list of Conventions in Part II A above): 5, 7, 11, 18, 26, 29, 58, 81, 87, 96, 98, 99, 100, 103, 106, 111 (not yet in force), 115, 131 and 135.

Article 6

In its 1993 observation on the Fee-Charging Employment Agencies Convention, 1949 (No. 96), the Committee of Experts referred to comments made in March 1990 by the Lanka Jathika Estate Workers' Union concerning the enforcement of the Sri Lanka Bureau of Foreign Employment Act, No. 21 of 1985, which contains provisions to control the activities of foreign employment agencies, in conformity with Article 10 of the Convention. The Committee requested the Government to continue to supply information on the implementation of the Act.

Article 7

In its 1995 (March) observation on the Radiation Protection Convention, 1960 (No. 115), the Committee expressed the hope that the new regulations of the Atomic Energy Authority, which incorporate the 1990 recommendations of the International Commission on Radiological Protection, would be adopted in the near future and that the text of the provisions adopted would be provided.

In its 1997 observation on the Minimum Wage Fixing Convention, 1979 (No. 131), the Committee of Experts, in the absence of the Government report, repeated its previous observation, in which it noted the Government's indication of the necessity for an elaborate analysis of the wage structure in the plantations sector. The Committee requested the Government to indicate whether such analysis had been undertaken and whether the results had been taken into consideration in minimum wage fixing. It also requested the Government to communicate a copy of the Wages Board decision fixing the minimum wages for the plantation sector.

In June 1997, the Committee on the Application of Standards of the International Labour Conference commented on Sri Lanka's application of the Labour Inspection Convention, 1947 (No. 81). Noting that a certain number of discrepancies existed between national practice and the requirements of the Convention regarding the number of labour inspectors, the frequency of inspections and the submission of annual inspection reports, the Conference Committee emphasized the need to verify by inspection that the provisions for protecting children and young persons from labour exploitation were respected, including in export processing zones. The Conference Committee equally stressed the importance of the adoption by the competent authorities of adequate measures to promote collaboration between inspectors, on the one hand, and workers and employers, or their organizations, on the other. The Committee recalled the essential importance of the Convention and stated that the existence of an effective inspectorate constituted the best guarantee of

respect in practice for labour standards. It called on the Government to provide details on the measures taken or envisaged for the application of the Convention and suggested possible technical assistance from the Office.

Article 8

In its 1997 observation on the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), the Committee of Experts noted the Government's statement that the final draft of the amendments to the Industrial Disputes Act would be submitted to Parliament once approved by Cabinet. It requested the Government to supply a copy of the amendments as soon as they were adopted. It also asked the Government to provide information on any progress made in collective bargaining in the plantation sector and to provide copies of any new collective agreements in this sector. Finally, it asked for information on any progress made in collective bargaining in the free trade zones and in several other industrial establishments within the purview of the Greater Colombo Economic Commission (renamed the Board of Investments).

In its 1997 observation on the Workers' Representatives Convention, 1971 (No. 135), the Committee of Experts recalled that it had requested the Government to lift the restrictions contained in several recently issued Emergency Regulations which impaired the day-to-day functioning of workers' representatives contrary to Article 2 of the Convention. It took note of the Government's statement that, although the state of emergency was still in force, restrictions on trade union activities had been eased. The Committee also recalled the importance of effective protection of workers' representatives against any act prejudicial to them - including dismissal - based on their status or activities as representatives and to the need to adopt measures in this regard beyond the approval and appeals procedures provided for in the Termination of Employment of Workmen (Special Provisions) Act, 1971, and the Industrial Disputes Act, 1967. The Committee expressed its trust that the amendments to the latter announced by the Government would be in accordance with Article 1 of the Convention.

Article 10

In its 1997 observation on the Maternity Protection (Revised) Convention, 1952 (No. 103), the Committee requested the Government to reply to the observations made by the Lanka Jathika Estate Workers' Union relating to the application of the Convention to plantation workers, and in particular with regard to the granting of alternative maternity benefits. It also requested, inter alia, copies of the 1946, 1957 and 1962 regulations pertaining to the Maternity Benefits Ordinance.

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The Committee of Experts furthermore addressed direct requests to Sri Lanka in 1994 on Convention No. 5, in 1995 (March) on Conventions Nos. 106 and 115, and in 1995 (November-December) on Convention No. 11.

Indications concerning the situation of individual countries to be examined at the nineteenth (16 November-4 December) session of the Committee on Economic, Social and Cultural Rights

BULGARIA

Information concerning Bulgaria has been supplied on several occasions, most recently in 1988.

The following relevant Conventions have been ratified and are in force for Bulgaria (for full names see list of Conventions in Part II A above): 1, 3, 6, 11, 12, 13, 14, 16, 17, 18, 19, 20, 24, 26, 27, 29, 30, 32, 34, 35, 36, 37, 38, 39, 40, 42, 44, 52, 62, 73, 77, 78, 79, 81, 87, 98, 100, 106, 111, 113, 120, 124, 127, and 138.

Article 6

In its 1997 observation on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Committee of Experts shared the same concerns as the United Nations Committee on the Elimination of Racial Discrimination with regard to discrimination on the basis of national extraction. It noted with interest the information provided on the functioning of the Programme for Literacy, Training and Employment and the programme "From social assistance to employment" developed by the National Employment Office, as well as the Government's efforts to stimulate the tobacco industry, which are aimed at national minorities and currently being implemented in regions with large numbers of people of Turkish and Roma origin. The Committee requested to be kept informed of these programmes and their results. It repeated its concerns with regard to Act No. 205/1992 on the Restitution of the Ownership of Real Estate to Bulgarian Citizens of Turkish Origin who Applied to Leave for the Republic of Turkey and Other Countries in the May-September 1989 Period. The Committee repeated its request to being kept informed of any law restricting access to employment or affecting terms and conditions of employment due to affiliation or association with the former political regime.

Article 8

At its November 1996 meeting, the Committee on Freedom of Association examined Case No. 1765, lodged by the National Trade Union and alleging that the criteria for representativity, laid down in Decree No. 7 of 1993 for participation in tripartite cooperation, have the effect of preventing it from concluding collective agreements and restricts its right to present trade union demands. The Committee considered that the criteria contained in Decree No. 7 did not appear to be contrary to the principle that the determination of the most representative trade union should always be based on objective and pre-established criteria so as to avoid any opportunity for partiality or abuse. It referred other aspects of the case to the Committee of Experts for its consideration.

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The Committee of Experts furthermore addressed direct requests to the Government in 1995 (November-December) on Conventions Nos. 1, 14, 17, 30, 34, 52, and 106, and in 1996 on Conventions Nos. 29, 44, 62 and 100.

CANADA

Information concerning Canada has been supplied on several occasions, most recently in 1994.

The following relevant Conventions have been ratified and are in force for Canada (for full names see the list of Conventions in Part II A above): 1, 7, 14, 15, 16, 26, 27, 32, 58, 73, 87, 88, 100, 105, 111, 122 and 162.

Article 6

In its 1997 observation on the Abolition of Forced Labour Convention, 1957 (No. 105), the Committee of Experts noted with interest that amendments to the Canada Shipping Act, under which penalties of imprisonment involving compulsory labour may be imposed for breaches of discipline that do not endanger the safety of the ship or the life or health of persons, were expected to be adopted in the spring of 1999.

In its 1997 observation on the Employment Policy Convention, 1964 (No. 122), the Committee of Experts noted that progress made in reducing public deficits and controlling inflation had not for the time being been matched by equally significant progress in the fight against unemployment and requested the Government to specify whether the effects on employment of the efforts made to stabilize the budget had been assessed. It also requested information on the perceived or anticipated effects on employment of the application of the North American Free Trade Agreement (NAFTA) and of the Internal Trade Agreement. The Committee requested information on the details of any assessment available of the implementation of the Employment Insurance Act which entered into force in July 1996. The Committee noted with interest the priority that the Government attaches to integration programmes for young people and that an employment strategy for young people was to be announced in the autumn of 1996, within which the responsibilities of the provincial governments would be increased. The Committee requested the Government to specify the manner in which the new methods of cooperation between the federal Government and the provinces help to achieve a more effective employment policy.

Article 7

In its 1994 observation on the Hours of Work (Industry) Convention, 1919 (No. 1), the Committee of Experts expressed its awareness of the difficulties encountered by the Government in harmonizing Canadian legislation in practice with the provisions of the Convention, particularly with regard to the maximum length of the working day prescribed by Article 2 of the Convention and to the determination of the circumstances and limits within which exceptions to normal working hours may be allowed, in accordance with its Article 6. It noted with satisfaction that the requirement under Article 8 of the Convention that employers must post working schedules, has been included into the Labour Standards Act of Quebec.

In its 1996 observation on the Equal Remuneration Convention, 1951 (No. 100), the Committee noted with interest that section 137 of the Charter of Human Rights - which was not compatible with the requirements of Article 1 (a) since it allowed discriminatory distinctions to be made between male and female workers with regard to employment retirement schemes and social benefits - was repealed on 13 June 1996 and replaced by a new provision whereby distinctions, exclusions or preferences are deemed non-discriminatory only where they relate objectively to the risk insured.

Article 8

In its 1996 observation on the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Committee of Experts noted the various cases of the Committee on Freedom of Association concerning Canada and its provinces (see below). It again emphasized that the Public Service Employee Relations Act and the Labour Relations Act of Alberta which ban strikes by a broad range of provincial public servants should be brought into conformity with the Convention since they go beyond the acceptable limits on the right to strike implicitly recognized in Article 3 of the Convention. The Committee asked to be kept informed of progress made by a joint labour-employer working group in Alberta whose mandate includes a review of legislation affecting freedom of association and the right to organize in order to propose appropriate reforms. With regard to restrictions on the right to strike in non-essential services, the Committee noted that some progress had been made in the construction sector (Quebec), but again expressed concern about the agricultural and horticultural sectors (Ontario) and the railway and port sectors (federal Government).

At its March 1995 meeting, the Committee on Freedom of Association examined Case No. 1758, lodged by the several national and international organizations of public service workers and alleging restrictions on collective bargaining for employees of the Canadian federal public service, under an Act which has frozen their salaries for two years. The Committee expressed its deep regret that the Government had not implemented the recommendations it had made with regard to earlier cases that concerned similar issues as in this case, but rather had once again placed serious restrictions on collective bargaining in the public service by renewing a unilateral freeze on pay. It also expressed its serious concern at the frequent recourse had by the Government to statutory limitations on collective bargaining and considered that such limitations go beyond what it has considered to be permissible restrictions on collective bargaining.

Also at its March 1995 meeting, the Committee on Freedom of Association examined Cases Nos. 1779 and 1801, lodged by various national and local unions and alleging that the Government of Prince Edward Island violated freedom of association principles by enacting on 19 May 1994 the Public Reduction Act which effectively reduced the amount of pay received by provincial civil servants. The Committee expressed its regret that the Government did not give priority to collective bargaining as a means of determining wages but rather that it felt compelled to use legislation. Noting that the Act cancels the terms of already negotiated collective agreements, it recalled that the interruption of already negotiated contracts is not in conformity with the principles of free collective bargaining.

At its June 1995 meeting, the Committee on Freedom of Association examined Case No. 1800, lodged by several national unions and alleging that the Budget Implementation Act 1994, which freezes wages and increments for a period of two years, restricts collective bargaining. The Committee recalled the recommendations it had made during it examination of Case No. 1758 (see above) and deplored the fact that the Government had once more imposed a series of major restrictions on collective bargaining in the public service by freezing wages for two additional years. It concluded that the Act goes beyond what it considers to be acceptable restrictions on collective bargaining, and requested the Government to take its recommendations into account and refrain from resorting to such measures in the future.

Also at its June 1995 meeting, the Committee on Freedom of Association examined Cases Nos. 1733, 1747, 1748, 1749, and 1750, lodged by several national unions and alleging intervention by the Quebec legislature in the determination of wages and other conditions of employment in the public, parapublic and municipal sectors by adopting in June 1993 the Act respecting the conditions of employment in the public sector and the municipal sector. Regretting that the Government adopted the Act, thus unilaterally fixing wages and other conditions of employment, the Committee once again requested the Government to establish, for the period of implementation of the economic stabilization measures, a procedure allowing the parties involved to have recourse to conciliation and allowing the parties involved to have an independent arbitrator with a view to compensating for the loss of the right to strike. It suggested that the Government make use of the technical assistance of the Office.

Also at its June 1995 meeting, the Committee on Freedom of Association examined Case No. 1802, lodged by several national and international workers' organizations and alleging restrictions on collective bargaining for public sector workers in the Province of Nova Scotia following the introduction in 1993 of Bill 41 obliging public servants to take unpaid leave equivalent to 2 per cent of their annual hours of work, and in 1994 of Bill 52 imposing a wage freeze effective for three years and a reduction in pay rate for certain wage earners. Considering that Bills 41 and 52 clearly go beyond what it considers to be permissible restrictions on collective bargaining, the Committee deplored that the Government did not give priority to collective bargaining as a means of determining wages of workers in the public sector. It suggested that the Government make use of the assistance of the Office in finding solutions to the difficulties in reaching agreements in the public service.

At its November 1995 meeting, the Committee on Freedom of Association examined Case No. 1806, lodged by Education International and the Yukon Teachers' Association and alleging interference in collective bargaining through legislative provisions which have the effect, amongst others, of extending the term of previously negotiated collective agreements for a period of three years, of freezing for the same period all forms of remuneration to be paid to employees concerned, except for experience increments, and of reducing by 2 per cent their wage rates. Considering that the Act went well beyond what it has previously considered as acceptable measures, in particular as regards the duration of the exceptional measures, the Committee expressed its regret that the Government did not give priority to collective bargaining

as a means of determining wages of workers in the education sector. It expressed its firm expectation that a consultation process and collective bargaining would take place freely and suggested the Government make use of assistance of the Office to find appropriate solutions.

At its November 1996 meeting, the Committee on Freedom of Association examined Case No. 1855, lodged by the Canadian Association of Smelter and Allied Workers alleging restrictions on collective bargaining in the federal public service which have been legislatively imposed through the adoption of Bill No. C-76, which modifies the Public Sector Compensation Act by suspending, for a three-year period, a number of job security provisions found in the jointly approved Work Force Adjustment Directive (WFAD) and by explicitly banning any negotiation in respect of terms or conditions of employment relating to job-security during this same period. The Committee urged the Government to refrain from imposing any further restrictions on negotiations of job security matters when the modifications to the WFAD expire in July 1998. It urged the Government to give serious consideration to the establishment of a procedure which enjoys the confidence of the parties and which allow them to have recourse to conciliation or mediation, and then to have recourse, voluntarily, to an independent arbitrator to resolve their disputes.

At its November 1997 meeting, the Committee on Freedom of Association examined Case No. 1900, lodged by the Canadian Labour Congress and alleging the exclusion of agricultural workers, domestic workers and certain liberal professionals from access to collective bargaining and the right to strike through the adoption of the Ontario Labour Relations and Employment Statute Law Amendments Act, 1995, and the Ontario Labour Relations Act, 1995. The complainant also alleges that, with the adoption of Bill 7, the existing organizing rights of these workers were terminated, their current collective agreements were nullified and the statutory measures for protection against anti-union discrimination and interference on the part of the employer were removed. The Committee requested the Government to reverse the measures taken that infringe on the right to organize and collective bargaining.

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The Committee of Experts furthermore addressed direct requests to the Government in 1994 on Conventions Nos. 1 and 162, and in 1995 (November-December) on Conventions Nos. 32, 87 and 100.

DENMARK

Information concerning Denmark has been supplied on several occasions, most recently in 1987.

The following relevant Conventions have been ratified and are in force for Denmark (for full names see the list of Conventions in Part II A above): 2, 6, 8, 11, 12, 14, 16, 18, 19, 27, 29, 42, 52, 73, 81, 87, 88, 98, 100, 102, 105, 106, 111, 115, 118, 119, 120, 122, 129, 130, 135, 138, 141, 142, 148, 151, 152, 155, 159, 167 and 169.

Article 6

In its 1997 observation on the Employment Policy Convention, 1964 (No. 122), the Committee of Experts, in the absence of a Government report, repeated its previous request to the Government to continue to provide information on the manner in which the principal strategies of economic policy contributed to the attainment of employment objectives. It also requested the Government to indicate the extent to which the implementation of new provisions with regard to the early identification of persons who are particularly threatened by long-term unemployment and a more effective individualized follow-up for job-seekers, as well as with regard to the promotion of temporary withdrawals from the labour market through training, parental and sabbatical leave, has resulted in the creation of new jobs. Finally, the Committee requested the Government to provide information on the opinions issued by the relevant advisory bodies following changes in the procedures for the consultation of the persons affected by employment policies, and to transmit any examples of reports or recommendations that they have adopted.

Article 8

In its 1996 observation on the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Committee of Experts once again recalled that section 10 of Act No. 408 of 1988 which establishes the Danish International Ships' Register prevents workers employed on board Danish ships but who are not residents of Denmark from being represented in collective bargaining by organizations of their own choosing in contravention of Articles 2, 3 and 10 of the Convention. It noted the Government's indication that discussions with the social partners could be based upon a study made on the effect of second registers on non-domiciled seafarers' working and living conditions, and once again expressed the hope that steps would be taken in the near future to ensure the rights of these non-residents.

In its 1997 observation on the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), the Committee of Experts raised the same issue as under Convention No. 87 (see above). Concerning the issues raised before the Committee on Freedom of Association in Case No. 1725 (see below), and the comments of the Danish Union of Journalists in relation to the extension of a collective agreement to the entire sector of activity contrary to the views of the organization representing most of the workers concerned, the Committee noted the Government's intention to present a Bill in this regard. The Committee hoped that relevant legislation would be amended so as to bring it into full conformity with Article 4 of the Convention.

At its March 1994 meeting, the Committee on Freedom of Association examined Case No. 1725, lodged by the Danish Union of Journalists (DJ) and alleging that a draft settlement drawn up by the Public Conciliator for the dispute that had arisen during negotiations on the renewal of collective agreements between it and the Danish Newspaper Employers' Association violates its trade union rights and its right to negotiate collectively. The Committee noted that following the intervention of the Public Conciliator, the DJ was deprived of the possibility to continue to negotiate on certain subjects which were of the highest priority to it, and considered that certain parts of the

Danish legislation and national practice were not in complete conformity with the principle of free bargaining of collective agreements, as recognized in Article 4 of Convention No. 98.

At its November 1996 meeting, the Committee on Freedom of Association examined Case No. 1861, lodged by the Association of Danish Clinical Dietitians and alleging violation of bargaining rights and interference in union activities by not recognizing their union as being the most representative for bargaining purposes. The Committee recalled the principle according to which employers, including governmental authorities, should recognize for collective bargaining purposes the organizations representative of the workers employed by them and that the competent authorities should, in all cases, have the power to proceed to an objective verification of any claim by a union that represents the majority of the workers in an undertaking, provided that such a claim appears to be plausible. It stated that if the union concerned is found to be the majority union, the union authorities should take appropriate conciliatory measures to obtain the employer's recognition of that union for collective bargaining purposes. It requested the Government to ask the competent authorities to take the necessary measures to ensure that the complainant organization was not discriminated against by the employer in relation to collective bargaining, particularly as the responsible government official had admitted that it was the most representative organization.

At its March 1997 meeting, the Committee on Freedom of Association examined Case No. 1882, lodged by the Danish Nurses' Organization and alleging statutory extension of collective agreements and legislative interference in industrial action in the hospital sector. The Committee considered that, in the circumstances of this case, the legislative intervention which put an end to the industrial action in the hospital sector could not be considered to be an infringement of the ILO principles on freedom of association since it was of the opinion that the essential nature of hospital services permits a government to put an end to all industrial conflict if it is considered, as is the case here, that the life, personal safety or health of the population were endangered. It considered, however, that the statutory renewal and extension of collective agreements covering nurses was not in conformity with the principle of free collective bargaining with a view to the regulation of terms and conditions of employment under Article 4 of Convention No. 98.

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The Committee of Experts furthermore addressed direct requests to the Government in 1994 on Conventions Nos. 148 and 159, in 1995 (March) on Conventions Nos. 88 and 130, and in 1995 (November-December) on Conventions Nos. 16, 29 and 100.

ICELAND

Information concerning Iceland has been supplied previously in 1994.

The following relevant Conventions have been ratified and are in force for Iceland (for full names see the list of Conventions in Part II A above): 2, 11, 15, 29, 58, 87, 98, 100, 102, 105, 111, 122, 155 and 159.

Article 8

In its 1997 observation on the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), the Committee of Experts, in the absence of a Government report, repeated its previous observation in which it noted the conclusions of the Committee on Freedom of Association in Case No. 1768 (see below). It also referred to its previous comment on the need for the Government to refrain from intervening in agreements that have been freely concluded by the social partners since this impairs the rights of workers and employers to freely negotiate terms and conditions of employment. The Committee requested to be kept informed of the conclusions of a Working Party, established in 1994 and mandated to examine the rules governing industrial relations in the labour market as well as in Iceland's neighbouring countries, and which had requested ILO technical assistance in this regard. Referring to the Government's indication that notice of termination of certain collective agreements, incorporating wage increases, could be given if price-level changes in Iceland differ substantially from those in its main competitive countries, the Committee reminded the Government that in its opinion, it would be contrary to the principles of Convention No. 98 to allow the provisions of a collective agreement to be cancelled on the grounds that they run counter to the Government's economic policy. It expressed its trust that the wage increases provided for in 1996 under the 1995 wages and terms agreement would be implemented.

At its June 1995 meeting, the Committee on Freedom of Association examined Case No. 1768 lodged by the Icelandic Federation of Labour and alleging the adoption of legislation (Act No. 15 of 1993) banning a strike and lockout and setting up a Court of Arbitration to determine wages. The Committee drew the attention of the complainant and the Government to the principle that collective bargaining has to be undertaken in good faith and that satisfactory labour relations depend primarily on the attitudes of the parties towards each other and on their mutual confidence. It reminded the Government that any arbitration system should be truly independent and outcomes of arbitration should not be pre-determined by legislative criteria. It considered that Act No. 15,1993, insofar as it applied to a union that was not directly involved in the dispute in question, constituted an act of interference which violates the principle of the autonomy of partners to the collective bargaining process.

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The Committee of Experts furthermore addressed direct requests to the Government in 1995 (Nov.-Dec.) on Convention No. 159, and in 1996 on Convention No. 100.

ISRAEL

Information concerning Israel has not been previously supplied to the Committee.

The following relevant Conventions have been ratified and are in force for Israel (for full names see the list of Conventions in Part II A above): 1, 20, 29, 30, 48, 52, 77, 78, 81, 87, 88, 90, 96, 98, 100, 101, 102, 105, 106, 111, 117, 118, 122, 136, 138, 141, and 142.

Article 9

In its 1996 observation on the Equality of Treatment (Social Security) Convention, 1962 (No. 118), the Committee of Experts, in the absence of a Government report, repeated its previous observation in which it recalled that under the Convention benefit should be paid abroad to Israeli nationals, the nationals of any other country which has accepted the obligations of the Convention in respect of the branches in question, as well as to refugees and stateless persons, without conditions of residency, and that therefore the restriction of section 146 of the National Insurance Act should be lifted. It noted the Government's intention to codify through regulations its practice of payment of injury benefits to residents abroad in accordance with the provisions of the Convention. The Committee expressed the hope that the envisaged regulations would also cover old-age and survivors' benefits. It also expressed the hope that the Government would be able to codify the practice whereby the Insurance Institute may regard a child as being in Israel even if it has left Israel for a period exceeding six months for purposes of receiving family allowances.

Article 10

In its 1997 observation on the Minimum Age Convention, 1973 (No. 138), the Committee of Experts noted with interest that, according to the Government, the Youth Labour Act had been amended in 1995 so as to bring it into line with Article 7(1) of the Convention by limiting the exceptional employment of a child between 14 and 15 years of age only to light work which is not likely to be harmful to his or her health or development and only during official school holidays. It requested the Government to send a copy of the amended Act.

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The Committee of Experts furthermore addressed direct requests to the Government in 1995 (March) on Convention No. 77, and in 1996 on Convention No. 100.

TUNISIA

Information concerning Tunisia has been previously supplied on several occasions, most recently in 1989.

The following relevant Conventions have been ratified and are in force for Tunisia (for full names see the list of Conventions in Part II A above): 11, 12, 13, 14, 16, 17, 18, 19, 26, 29, 52, 62, 73, 77, 81, 87, 88, 90, 98, 99, 100, 105, 106, 107, 111, 113, 117, 118, 119, 120, 122, 123, 124, 127, 138, and 142.

Article 6

In its 1997 observation on the Abolition of Forced Labour Convention, 1957 (No. 105), the Committee of Experts, in the absence of a Government report, repeated that it has been pointing out for a number of years that under the Labour Code, participation in a strike is unlawful and may be punished by imprisonment (involving compulsory labour under section 13 of the Penal Code) where it has not been approved by the Central Workers' Organization and where the Government imposes arbitration considering that a strike may endanger the national interest. The Committee observed that the amendments introduced by Act No. 94-29 of 21 February 1994 to certain provisions of the Labour Code are not sufficient to remove all the discrepancies between the national legislation and Article 1 of the Convention, and asked the Government to take the necessary measures to ensure that penalties involving compulsory labour may not be imposed for participation in a strike on the sole ground that it has not been approved by the Central Workers' Organization. It also pointed out that compulsory arbitration and requisitioning, enforceable by penalties involving compulsory labour, should be limited to essential services, and requested the Government to provide a list of essential services as soon as adopted by the relevant decree. Furthermore, the Committee asked the Government to provide information on the application, in practice, of certain provisions of Act No. 59-154 of 7 November 1959, as amended in 1988, under which whoever facilitates meetings of an association that has been dissolved for engaging in activities with a political objective or participates in maintaining or re-establishing such an association is liable to imprisonment involving compulsory labour. The Committee also noted the provisions of Act No. 69-4 of 24 January 1969 under which the competent authorities may ban, by order, several types of meetings under penalty of imprisonment. The Committee stressed the importance, for effective observance of the Convention, of statutory guarantees of the rights to assembly, expression, demonstration and association. It stated that, often, the exercise of these rights is an expression of political opposition to the established order, and by ratifying the Convention, a State undertakes to guarantee the protection afforded by the Convention to persons who demonstrate such opposition peacefully.

In its 1997 observation on the Employment Policy Convention, 1964 (No. 122), the Committee of Experts, in the absence of the Government's report

policies and price, income and wage policies contribute to promoting full, productive and freely chosen employment. It also requested the Government to continue to provide information on the various labour market policy measures and supply any available evaluation of their results in terms of effective and lasting integration in employment of those concerned. Referring to Government indications that employers' and workers' organizations contribute, through the National Council for Vocational Training and Employment, to the formulation of development plans for employment and vocational training, and that the Economic and Social Council is consulted on the General National Economic and Social Development Plan and will examine the draft legislative texts relating to employment, the Committee recalled that, under Article 3 of the Convention, representatives of all the sectors concerned must be consulted on employment policies, in both formulating and implementing the policies. It requested information on the consultations held in the bodies mentioned, the opinions received and how these were taken into account.

Article 7

In its 1997 observation on the Maximum Weight Convention, 1967 (No. 127), the Committee of Experts recalled that in its previous observation it had commented on section 1 of the Order of 5 May 1988 which sets the maximum permissible weight to be carried by men at 100 kg, thus considerably exceeding the recommended maximum of 55 kg. The Committee noted the Government's statement that its comments had been brought to the attention of the Standing Committee of the National Council for the Prevention of Occupational Risks and would shortly be examined by a committee including employers' and workers' organizations.

Article 8

In its 1997 observation on the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Committee of Experts emphasized once again that the obligation under 376 bis(2) of the Labour Code to obtain the approval of the central workers' union before declaring a strike, was liable to restrict the right of first-level unions to organize their activities and to promote and defend the interest of workers. It therefore asked the Government to repeal this provision.

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The Committee of Experts furthermore addressed direct requests to the Government in 1995 (March) on Conventions Nos. 77, 88, 117 and 124, and in 1996 on Conventions Nos. 29 and 100.

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ANNEX

Index of countries and of relevant information supplied by the ILO since 1978

Country	Articles 6-9 (Document reference)	Article 10 (Document reference)	Article 13
Afghanistan	E/1986/60 E/1989/6 E/1990/9 E/1991/4	-	
Algeria	E/1995/127	-	
Argentina	E/1995/5	E/1995/5	
Australia	E/1979/33 E/1985/63	E/1981/41 E/1986/60	
Austria	E/1988/6 E/1994/5	E/1981/41 E/1987/59	
Azerbaijan			
Barbados	E/1982/41	E/1982/41	
Belgium	E/1994/63	E/1994/63	
Bulgaria	E/1980/35 E/1985/63	E/1983/40 E/1988/6	
Belarus, Republic of	E/1979/33 E/1985/63 E/1996/98	E/1981/41 E/1987/59 E/1996/98	
Cameroon	-	E/1988/6	
Canada	E/1982/41 E/1988/6 E/1989/6	E/1994/5	
Central African Republic			
Chile	E/1979/33 E/1985/63	E/1981/41 E/1988/6	

Country	Articles 6-9 (Document reference)	Article 10 (Document reference)	Article 13
Colombia	E/1979/33 E/1985/63 E/1995/127	E/1990/9	
Costa Rica	E/1990/9 E/1991/4	E/1990/9	
Cyprus	E/1979/33 E/1985/63	E/1981/41 E/1986/60 E/1989/6	
Czech and Slovak Federal Republic	E/1979/33 E/1986/60	E/1981/41 E/1987/59	
Denmark	E/1979/33 E/1985/63	E/1981/41 E/1987/59	
Dominican Republic	E/1990/9 E/1991/4 E/1995/127 E/1996/98	E/1990/9 E/1991/4 -	
Ecuador	E/1978/27 E/1985/63	E/1990/90 E/1991/4	
El Salvador	E/1996/40	-	
Finland	E/1979/33 E/1985/63 E/1996/98	E/1981/41 E/1986/60 -	E/1996/98
France	E/1986/60	E/1989/6	
German Democratic Republic	E/1978/27 E/1985/63	E/1981/41 E/1987/59	
Germany, Federal Republic of	E/1979/33 E/1986/60	E/1981/41 E/1987/59	
Guatemala	E/1995/127 E/1996/40	-	
Guinea	E/1996/40	-	
Guyana	E/1995/127	-	
Honduras	E/1996/98	-	E/1996/98

Country	Articles 6-9 (Document reference)	Article 10 (Document reference)	Article 13
Hungary	E/1978/27 E/1985/63	E/1986/60	
Iceland	E/1994/5	-	
India	E/1986/60	-	
Iran, Islamic Republic of	E/1978/27	E/1994/5	
Iraq	E/1985/63	E/1981/41 E/1986/60	
Italy	E/1982/41	-	
Jamaica	E/1980/35 E/1989/6	E/1989/6	
Japan	E/1985/63	E/1987/59	
Jordan	E/1987/59	E/1987/59	
Kenya	E/1994/63	E/1994/63	
Libyan Arab Jamahiriya	E/1996/98	E/1996/98	
Luxembourg	E/1990/9	E/1990/9	
Madagascar	E/1981/41 E/1985/63	E/1986/60	
Mauritius	E/1995/127	-	
Mexico	E/1985/63 E/1994/5	E/1990/9 E/1994/5	
Mongolia	E/1978/27 E/1985/63	E/1981/41 E/1987/59	
Morocco	E/1994/63	E/1994/63	
Netherlands	E/1989/6	E/1989/6	
Netherlands (Antilles)	E/1987/59	-	
New Zealand	E/1994/5	-	
Nicaragua	E/1986/60	E/1994/5	

Country	Articles 6-9 (Document reference)	Article 10 (Document reference)	Article 13
Nigeria			
Norway	E/1979/33 E/1985/63 E/1995/127	E/1981/41 E/1988/6	
Panama	E/1988/6 E/1989/6 E/1990/9 E/1991/4 E/1992/4	E/1981/41 E/1988/6 E/1989/6 E/1991/4	
Paraguay	E/1996/40	-	
Peru	E/1985/63	-	
Philippines	E/1978/27 E/1985/63	-	
Poland	E/1979/33 E/1986/60	E/1981/41 E/1987/59	E/1989/6
Portugal	E/1996/98	E/1996/98	E/1996/98
Romania	E/1979/33 E/1985/63	E/1981/41 E/1988/6	
Russian Federation			
Rwanda	E/1985/63 E/1989/6	E/1986/60	
Saint Vincent and the Grenadines			
Senegal	E/1994/5	E/1981/41	
Spain	E/1980/35 E/1985/63 E/1996/40	E/1982/41 E/1986/60 E/1996/40	
Suriname	E/1995/5	E/1995/5	
Sweden	E/1978/27 E/1985/63	E/1981/41 E/1987/59	

Country	Articles 6-9 (Document reference)	Article 10 (Document reference)	Article 13
Syrian Arab Republic	E/1980/35 E/1990/9 E/1992/4	E/1981/41 E/1990/9	
Tanzania	-	E/1981/41	
Trinidad and Tobago	E/1989/6	E/1989/6	
Tunisia	E/1978/27	E/1988/6 E/1989/6	
Ukrainian SSR	E/1979/33 E/1985/63	E/1982/41 E/1986/60	
Ukraine	E/1995/127	-	
United Kingdom	E/1978/27 E/1985/63	E/1981/41 E/1991/4 E/1995/5	
United Kingdom (Non-metropolitan territories)	E/1979/33 E/1996/98	E/1982/41 E/1985/63	
Uruguay	E/1994/5 E/1994/63	E/1994/63	
USSR	E/1979/33 E/1985/63	E/1981/41 E/1987/59	
Venezuela	E/1985/63	E/1986/60	
Vietnam	E/1994/5	-	
Yemen	E/1990/9 E/1991/4	E/1990/9 E/1991/4	
Yugoslavia	E/1983/40 E/1985/63	E/1983/40	
Zaire	E/1988/6	E/1988/6	
Zambia	-	E/1986/60	
Zimbabwe			